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November 7, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW, Room TWB204
Washington, D.C. 20554

Re: **CC Docket 96-45**
Motion to Withdraw Petition for Waiver
Roseville Telephone Company

Dear Ms. Salas:

On behalf of Roseville Telephone Company, I hereby enclose an original and four copies of its Motion to Withdraw its pending Petition For a Limited Waiver of Section 54.309 of the Commission's rules, filed November 13, 2000 in the above-captioned proceeding.

Please note that Roseville is not withdrawing its pending Petition for Reconsideration of the Tenth Report and Order in this proceeding.

Please contact me if you have any questions.

Very truly yours,



Paul J. Feldman

Counsel for Roseville Telephone Company

PJF:jpg

cc: Mr. Jack Day
Mr. Glenn Brown
Certificate of Service

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Before the
Federal Communications Commission
Washington, D.C. 20554

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)	
)	
Petition of Roseville Telephone Company)	CC Docket 96-45
)	
For Waiver of Section 54.309)	
of the Commission's Rules)	

**MOTION TO WITHDRAW
PETITION FOR WAIVER**

Roseville Telephone Company, by its attorneys, hereby moves to withdraw its pending Petition for Limited Waiver of Section 54.309 of the Commission's Rules, filed November 13, 2000 in the above-captioned proceeding ("Waiver Request"). Roseville also withdraws its pleadings related to the Waiver Request, *i.e.*, its Consolidated Reply to Oppositions to Petition for Waiver, filed on January 8, 2001, and its Supplement to Petition for Limited Waiver, filed on June 18, 2001. Roseville does not withdraw its pending Petition for Reconsideration of the Commission's Tenth Report and Order in the above-captioned proceeding, filed December 30, 1999 ("Petition for Reconsideration"), and its pleadings related to the Petition for Reconsideration.

In the Tenth Report and Order,¹ the Commission ruled that the "rural/non-rural" distinction (*i.e.* 100,000 access lines in a study area) would be used as the dividing point between those companies which would receive explicit federal high-cost funding

¹ Federal-State Board on Universal Service, Forward-Looking Mechanism for High-Cost Support, Tenth Report and Order, 14 FCC Rcd 20156 (1999), *affirmed on other grounds*, Qwest Corp. v. FCC, Nos. 99-9546, 99-9547, and 00-9505 (10th Cir. August 1, 2001).

under the forward looking cost model (Large Companies), and those that would be subject to the mechanism to be developed in connection with the Rural Task Force (Small Companies).² In its December 1999 Petition for Reconsideration, Roseville suggested that the Commission change the break point between Large and Small Companies to one that recognizes that the smallest of the companies with “non-rural” study areas experience financial impacts more like those of the rural carriers, than those of the giant RBOCs.

Eleven months after filing its Petition for Reconsideration, Roseville recognized that the Commission was unlikely to act on that Petition prior to the January 1, 2001 commencement of hold-harmless phase down of federal support, and accordingly, Roseville filed its Waiver Request on November 13, 2000. The Waiver Request explicitly stated that its purpose was to protect Roseville and its subscribers from harm, pending the Commission’s consideration of and action on the Petition for Reconsideration.

Recently, Roseville has concluded that the Commission may consider the Petition for Reconsideration in the near future and thus it would be better to focus attention and resources on the Petition for Reconsideration. Accordingly, Roseville seeks to withdraw the Waiver Request. Roseville does not seek to withdraw the Petition for Reconsideration, and continues to assert that grant of that Petition will serve the public interest. Roseville urges the Commission to rapidly consider and grant the

² The Commission addressed the proposals of the Rural Task Force in Federal-State Joint Board on Universal Service, Fourteenth Report and Order, Twenty-Second Order on Reconsideration, FCC 01-157 (released May 23, 2001).

Petition for Reconsideration.

WHEREFORE, Roseville Telephone Company hereby moves to withdraw its Petition for Limited Waiver of Section 54.309 of the Commission's Rules, filed November 13, 2000 in the above-captioned proceeding, as well as its pleadings related to the Waiver Request, *i.e.*, its Consolidated Reply to Oppositions to Petition for Waiver, filed on January 8, 2001, and its Supplement to Petition for Limited Waiver, filed on June 18, 2001.

Respectfully submitted,

ROSEVILLE TELEPHONE COMPANY

A handwritten signature in black ink, appearing to read "Paul J. Feldman", written over a horizontal line.

Paul J. Feldman
Its Attorney

FLETCHER, HEALD & HILDRETH, PLC
1300 North 17th Street
11th Floor
Arlington, Virginia 22209
(703) 812-0400

November 7, 2001

CERTIFICATE OF SERVICE

I, Carla M. Whitlock, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that a true copy of the foregoing *Motion to Withdraw Petition for Waiver* was sent this 7th day of November 2001 , by hand and e-mail where indicated and by first-class mail postage prepaid to the following:

Kyle D. Dixon, Esquire *
Office of Chairman Powell
Federal Communications Commission
445 12th Street, SW, Room 8-B115
Washington, DC 20554

Jordan Goldstein, Esquire *
Office of Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, SW, Room 8-B115
Washington, DC 20554

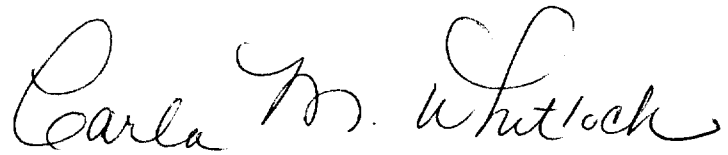
Matthew Brill, Esquire *
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Ellen S. LeVine, Esquire
California Public Utilities Commission
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Judy Sello, Esquire
AT&T Corporation
295 North Maple Avenue
Baskinridge, New Jersey 07920

A handwritten signature in cursive script that reads "Carla M. Whitlock". The signature is written in black ink and is positioned above a horizontal line.

Carla M. Whitlock

* By hand and e-mail